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OFFICE OF PETITIONS

In re Application of :
Nancy E. Sever et al :
Application No. 10/821,695 : DECISION ON PETITION
Filed: April 9, 2004 : UNDER 37 CFR 1.53(e)
Attorney Docket No. 7347US01 :

This is a decision on the petition under 37 CFR 1.53(e), filed September 29, 2005, requesting that the Office review the decision "to NOT grant a filing date of April 4 [sic, 9], 2004 to the above-identified application."

The petition is GRANTED.


On June 25, 2004, the Office mailed a Notice to File Missing Parts of Nonprovisional Application (Notice), which set a two month period for submitting the following items: 1) an executed oath or declaration complying with 37 CFR 1.63; 2) surcharge fee of \$130 for the late submission of an executed oath or declaration; 3) a substitute specification with proper line spacing; and 4) a substitute specification and substitute drawings as the drawings were improperly embedded in the specification. The Notice indicated that a filing date was granted under 37 CFR 1.53(b).

In reply, applicant, on September 27, 2004 (certificate of mailing date of September 23, 2004), supplied the items required by the Notice of June 25, 2004, along with a one month extension of time. Applicant now seeks, by this petition, accordance of a filing date of April 9, 2004 to this application, rather than the presently accorded date of September 27, 2004.

It is noted that, according to Office records, this application was accorded a filing date of September 27, 2004, the date of filing of the reply to the Notice of June 25, 2004. However, this date is in error as this application was entitled to a filing date of April 9, 2004. Although the drawings (Figures 1 through 16) were physically embedded in the specification, the drawings nevertheless were present on filing.

Accordingly, this application is entitled to a filing date of April 9, 2004 and has been so accorded. A corrected Filing Receipt will be mailed in due course.

This matter is being referred to Technology Center AU 1624 for examination in due course.


Frances Hicks
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